

**REMARKS**

Claims 1-2, 4-12 and 39-41 are pending. Of those, claims 1 and 10 are independent. Previously, claims 3 and 13-37 were canceled.

**§112, second paragraph Rejection**

Beginning on page 2 of the Office Action, claims 39 and 40 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicants traverse.

Applicants submit that a person of ordinary skill in the art would not have considered the previous version of claim 39 unclear. But to facilitate examination, Applicants have clarified claim 39 by this reply.

As to claim 40, the term convex can mean curving or bulging outward.<sup>1</sup> Moreover, claim 40 recites "generally convex." Convex can, but does not necessarily, have a circular connotation. Here, a circular connotation is not intended, nor (again) does the language of claim 40 require such a connotation. The ordinarily skilled artisan would not have found the claim indefinite.

In view of the foregoing, withdrawal of the rejection is requested.

**35 U.S.C. § 102(b) Rejection**

On page 2 of the Office Action, claims 1, 2, 4-7, 10-12, 38-41 are rejected under 35 U.S.C. 102 (b) as being anticipated to the Stanley, US patent no. 3,032,833 ('833 patent). Applicants traverse.

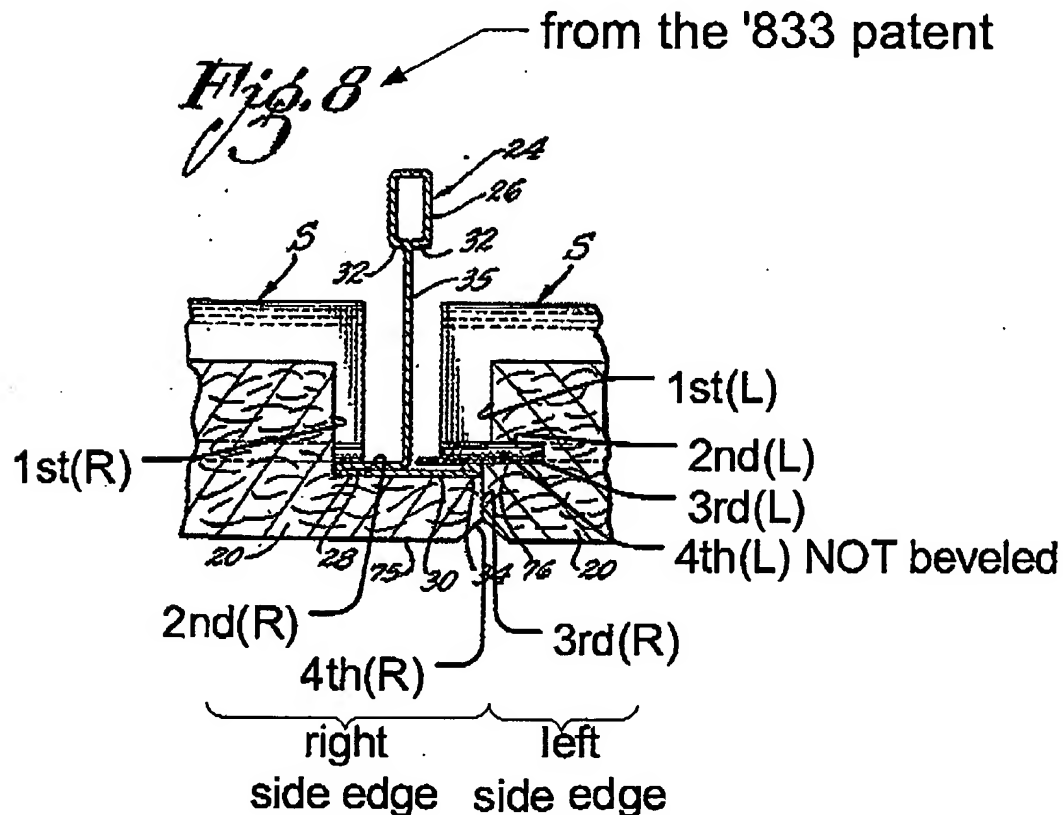
The '833 patent teaches panels that have asymmetric side edges; see Fig. 7. This is done to facilitate demounting tiles of 20; see, e.g., col. 5, lines 4-8 (where "the other end" refers to the left end in Fig. 7).

Fig. 8 depicts the right side edge of a first instance of tile 20 and the left side edge of a second instance of tile 20 in more detail. Applicants are willing to assume for the sake of argument that the surfaces of the right side edge of tile 20 correspond to the recited surfaces of claim 1 (taken as an example). Following the lead of the Examiner, reproduced below is a

<sup>1</sup> See, e.g., [www.dictionary.com](http://www.dictionary.com), specifically <http://dictionary.reference.com/search?q=convex&r=66>, listing the definition provided by WordNet (r) 2.0 (August 2003).

marked-up version of Fig. 8 of the '833 patent, where the right side edge surfaces are labeled 1st(R), 2nd(R), etc.

The left side edge, however, of tile 20 taught by the '833 patent does NOT correspond to the recited surfaces of claim 1. In particular, while the fourth surface (referred to as "4th(L)" in the marked-up drawing below) intersects the third surface, the fourth surface is not beveled relative to the third surface.



Keeping in mind that the recited surfaces of claim 1 are included on each edge of the surface panel, a distinction of claim 1 over the '833 panel is a the fourth surface intersecting, and beveled relative to, the third surface. Again, panel 20 taught by the '833 patent has asymmetric right and left side edges, i.e., what is true of the right side edge is not true of each side edge of panel 20.

Independent claim 10 recites features similar to claim 1, and hence similarly distinguishes over the '833 patent. Claims 2-9, 11-12 and 39-41 depend from claims 1 and 10, respectively, and thus distinguish the '833 patent at least for the same reasons.

In view of the foregoing discussion, withdrawal of the §102 rejection is requested.

### **35 U.S.C. § 103 Rejection**

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the '833 patent. Applicants traverse.

Claims 8-9 depend indirectly from claim 1, respectively. In view of the distinctions of claim 1 (and thus claims 8-9 by dependency) noted above over the '833 patent in the traversal of the §102 rejection, it is submitted that the §103 rejection is similarly improper. Accordingly, withdrawal of the §103 rejection is requested.

### **CONCLUSION**

The issues in the case were considered to be resolved. Accordingly, Applicants again request a Notice of Allowability.

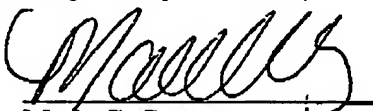
### **Person to Contact**

In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Dated: 10/11/05



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